

# **Town Board Minutes**

**Meeting  
No. 29**

***Special Meeting***

**October 19, 1998**

MEETINGS TO DATE 29  
NO. OF REGULARS 19  
NO. OF SPECIALS 10

LANCASTER, NEW YORK  
OCTOBER 19, 1998

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of October 1998, at 6:30 P.M. and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
NEIL CONNELLY, COUNCIL MEMBER  
DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
DAVID MARRANO, PLANNING BOARD CHAIRMAN  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** FRANK DE CARLO, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:**  
ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of three actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
I-MAX THEATRE COMPLEX SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the I-Max Theatre Complex Site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER SZYMANSKI , TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
I-MAX THEATRE COMPLEX SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 0.92 acres.

The location of the premises being reviewed is situate at 6707 Transit Road.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:  
(except as noted)

C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

- a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

**No adverse effects noted**

C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action. The proposed action will have a small to moderate affect on growth, however, the affect is not adverse.

**No adverse effects noted**

C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

C.7 Other impacts (including changes in use of either quantity or type of energy.

**No adverse effects noted**

D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

October 19, 1998

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

October 19, 1998

**IN THE MATTER OF THE SEQR REVIEW OF THE  
RICHARD THURNHERR II REZONE PETITION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Richard Thurnherr II rezone petition matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
RICHARD THURNHERR II REZONE PETITION  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 1.50 acres.

The location of the premises being reviewed is situate at 131 Pavement Road.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources. Small to moderate adverse effects on land use.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy.

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

October 19, 1998

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.  
October 19, 1998

**IN THE MATTER OF THE SEQR REVIEW OF THE  
WESTERN NEW YORK B.I.C.S. SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Western New York B.I.C.S. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form, entitled "Part II Project Impacts and Their Magnitude", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER MARRANO, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
WESTERN NEW YORK B.I.C.S.  
NEGATIVE DECLARATION**



**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 10.5± acres.

The location of the premises being reviewed is situate on the north side of Walden Avenue, east of Pavement Road.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

October 19, 1998

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

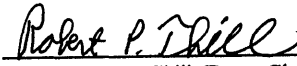
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

October 19, 1998

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:50 P.M.

  
Robert P. Thill, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 30**

***Regular Meeting***

**October 19, 1998**

MEETINGS TO DATE 30  
NO. OF REGULARS 20  
NO. OF SPECIALS 10

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LANCASTER, NEW YORK  
OCTOBER 19, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 19th day of October 1998 at 8:00 P.M. and there were

**PRESENT:** NEIL CONNELLY, COUNCIL MEMBER  
DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

**EXECUTIVE SESSION:**

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:50 P.M. to deliberate in Executive Session for the announced purpose of discussing the American Refuel lawsuit against the Town of Lancaster.

At 10:15 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD**

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Trucks parking at the northeast corner of Harris Hill Road and Genesee Street
- Dumping at the same location

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- The granting of industrial tax breaks.

Weiss, Steve, 135 Olmstead Avenue, spoke to the Town Board on the following matter:

- Complained of industrial development tax breaks to Uniland Corporation.

**Ciccarelli, Nick**, 809 Erie Street, spoke to the Town Board on the following matter:

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- Junk car and junk violations on Pavement Road.

**Guenther, James**, 562 Pavement Road, spoke to the Town Board on the following matter:

- Building permit fees charged for the Tops Market Distribution Center.

**Hammer, Fred**, 240 Ransom Road, spoke to the Town Board on the following matters:

- Noted that Checktowaga began the collection of toxic wastes.
- Urged tax cuts for Lancaster taxpayers.

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked questions about prefiled resolution number 15.
- The negative impact of dumping permits issued by the Town Board.

**Zarbo, Richard**, 357 Stony Road, spoke to the Town Board on the following matters:

- Traffic safety on Genesee Street in front of Boston Hotel.
- Traffic safety at the corner of William Street and Bowen Road.

**Thurnherr, Richard**, 131 Pavement Road, spoke to the Town Board on the following matter:

- Thanked Town Board for the rezone of his property.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster in regards to Federal Community Development Funds, known as Community Development Block Grant funds, for the year 1999-2000.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**THE FOLLOWING PROPOSALS WERE SET FORTH:**

- Doors for the handicapped at the Senior Citizen Center. [Supervisor]
- Doors for the handicapped at the Public Libraries. [Supervisor]
- Handicapped grading improvements at Westwood Park. [Supervisor]
- Sewer improvements for Sewer District No. 2. [Donald Symer]
- Parking improvements at the Lancaster Public Library. [Roy Schneggenburger]
- Painting improvements at the Senior Citizen Center. [Norman Bastian]

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on October 5, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

**WHEREAS**, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred, and

**WHEREAS**, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That a Public Hearing is hereby called and shall be held on the 2nd day of November 1998, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 1999, and to hear all persons interested in the subject matter thereof, and concerning the same, and

2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 22, 1998 which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998



**LEGAL NOTICE**  
**TOWN OF LANCASTER**  
**NOTICE OF PUBLIC HEARING**  
**UPON THE 1999 SPECIAL DISTRICTS BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 1999:

Consolidated Water District

Sanitary Sewer District Number 1 - Glendale and Parkdale

Sanitary Sewer District Number 2

Sanitary Sewer District Number 4

Sanitary Sewer District Number 6 - Ward Road

Sanitary Sewer District Number 7 - Walden Avenue and Enterprise Drive

Sanitary Sewer District Number 8 - Fox Valley

Sanitary Sewer District Extension Numbers 1, 2, 3 and 4 to Sanitary Sewer District Number 2

Sanitary Sewer Lateral Districts Numbers 1 and 2, and Meadow Lea Estates, Lancaster Heights, Markey Avenue, South Broezel, Ronald Drive-Charlton Place and Botimer Place, within Sanitary Sewer District Number 2

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

**FURTHER NOTICE IS GIVEN**, that a Public Hearing on such estimates and Assessment Roll will be held on November 2, 1998, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

**BY ORDER OF THE: TOWN BOARD OF THE**  
**TOWN OF LANCASTER**

**BY: ROBERT P. THILL, Town Clerk**

October 19, 1998

File: RBUDGETS (P5-6)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK, TO WIT:

**WHEREAS**, Robert H. Giza, Budget Officer of the Town of Lancaster, on  
September 30, 1998, duly filed the tentative budget of said Town for the fiscal year beginning  
January 1, 1999, with the Town Clerk of said town, and

**WHEREAS**, the Town Clerk of the Town of Lancaster, duly presented said  
tentative budget to the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the said tentative budget is hereby approved as and shall  
become the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1,  
1999, and

**BE IT FURTHER**

**RESOLVED**, that said preliminary budget shall be filed in the Office of the  
Town Clerk of the Town of Lancaster and be made available by him to the public for inspection  
during the regular business hours of the Town Clerk's Office, and

**BE IT FURTHER**

**RESOLVED**, that a Public Hearing on the Preliminary Budget of the Town of  
Lancaster for the year 1999, be held by this Town Board at the Town Hall, 21 Central Avenue,  
Lancaster, New York on the 2nd day of November 1998, at 8:50 o'clock P.M., Local Time, and

**BE IT FURTHER**

**RESOLVED**, that a Legal Notice of said Public Hearing upon the 1999  
Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be  
published in the Lancaster Bee, on October 22, 1998 which Notice shall be in the form attached  
hereto and made a part hereof and which date of publication is not less than five (5) days prior to  
the public hearing.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
ON THE 1999 PRELIMINARY BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 1999, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

**FURTHER NOTICE IS GIVEN**, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:50 o'clock P.M., Local Time, on the 3rd day of November 1998, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	\$51,342.00
- as Budget Officer	\$5,325.00
Council Member	\$13,478.00
Council Member	\$13,478.00
Council Member	\$13,478.00
Council Member	\$13,478.00
Town Justice	\$29,169.00
Town Justice	\$29,169.00
Receiver of Taxes	\$41,349.00
Town Clerk - as Town Clerk	\$49,544.00
- as Records Management Officer	\$4,550.00
- as Registrar of Vital Statistics	\$900.00
- as Clerk to Zoning Board of Appeal	\$2,363.00
Superintendent of Highways	\$46,350.00

**BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL, Town Clerk**

October 19, 1998

File: rbudgets (P2-4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER CONNELLY, TO WIT:

**WHEREAS, JOHN P. GOBER** retired from the position of Member of the Planning Board of the Town of Lancaster effective October 10, 1998 for pension purposes, and

**WHEREAS, JOHN P. GOBER**, by letter dated September 28, 1998 has requested that he be re-appointed to the position of Member of the Planning Board of the Town of Lancaster effective October 19, 1998,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

**SECTION 1:** That the Town Board hereby acknowledges the retirement of **JOHN P. GOBER**, as a Member of the Planning Board of the Town of Lancaster on October 10, 1998 for retirement purposes.

**SECTION 2:** That **JOHN P. GOBER**, 36 Holland Avenue, Lancaster, New York 14086 be and is hereby re-appointed to the position of Member of the Planning Board of the Town of Lancaster effective October 19, 1998 to fill out his term of office which term ends December 31, 2002.

**SECTION 3:** That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR TO WIT:

**WHEREAS**, the Town has received a proposal letter dated September 30, 1998  
from Fox & Company, Certified Public Accountants, to audit the Town's December 31,  
1998 financial statements and to provide other services.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board does hereby authorize the Supervisor to  
countersign the Fox & Company proposal dated September 30, 1998 to audit the Town's  
December 31, 1998 financial statements with charges for the aforementioned services not to  
exceed \$24,000.00.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: RACCNTNG.ACC

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, designated as Chapter 46 of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the §46-8 of the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of November, 1998, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before October 22, 1998, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

**LEGAL NOTICE  
PUBLIC HEARING  
PUBLIC HEARING**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 19th day of October, 1998, the said Town Board will hold a Public Hearing on the 2nd day of November, 1998, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to §46-8 of the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE VIII - Stop and Yield Intersections.**

**§46-8, Stop Intersections designated, is hereby amended by deleting therefrom the following stop sign:**

<u><b>STREET NAME</b></u>	<u><b>INTERSECTING STREET</b></u>	<u><b>SIGN LOCATION</b></u>
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**TRENTWOOD TRAIL SUBDIVISION**

Seneca Place	Seitz Avenue	N/W Corner
--------------	--------------	------------

**AND**

**§46-8, Stop Intersections designated is amended by adding thereto the following:**

<u><b>STREET NAME</b></u>	<u><b>INTERSECTING STREET</b></u>	<u><b>SIGN LOCATION</b></u>
---------------------------	---------------------------------------	---------------------------------

**TRENTWOOD TRAIL SUBDIVISION  
Stop Sign Placement With All-Way Sign Attached**

Seneca Place	Seitz Avenue	N.W. Corner
Seitz Avenue	Seneca Place	S.W. Corner
Seneca Place	Seitz Avenue	S.E. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL  
Town Clerk**

October 19, 1998



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

**WHEREAS**, a Public Hearing was held on the 5th day of October, 1998 on the petition of **RICHARD THURNHERR II**, for the rezone of certain property located on the east side of Pavement Road and locally known as 131 Pavement Road, in the Town of Lancaster, New York from an AR- Agricultural Residential District to a CMS-Commercial Motor Service District, and

**WHEREAS**, the Planning Board of the Town of Lancaster has unanimously recommended approval of the rezone, and

**WHEREAS**, a SEQR review was completed on the proposed rezone on October 19, 1998 and a Negative Declaration issued, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an AR-Agricultural Residential District to a CMS-Commercial Motor Service District:

**ALL OF THAT TRACT OR PARCEL OF LAND** situated in the Town of Lancaster, County of Erie and State of New York, being part of Lot 6, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the easterly line of Pavement Road twenty-three and five hundredths (23.05) feet northerly from its intersection with the northerly line of lands owned by the Consolidated Rail Corp;

**RUNNING THENCE EASTERLY** parallel with the northerly line of lands owned by Consolidated Rail Corp. Two hundred thirty-seven and forty-nine hundredths (237.49) feet;

**THENCE** northerly parallel with the easterly line of Pavement Road two hundred eighty and thirty-eight hundredths (280.38) feet;

**THENCE** westerly at right angles to the easterly line of Pavement Road two hundred seventy (270) feet to a point in the center line of Pavement Road;

**THENCE** southerly along the center line of Pavement Road two hundred sixty-three (263) feet;

**THENCE** easterly thirty-three and seven hundredths (33.07) feet to the point or place of beginning.

2. That said Ordinance Amendment be added in the minutes of the meeting Town Board of the Town of Lancaster held on the 19th day of October, 1998;

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 22nd day of October, 1998;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
RICHARD THURNHERR - PAVEMENT ROAD**

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**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an AR-Agricultural-Residential District to a CMS-Commercial Motor Service District:

**ALL OF THAT TRACT OR PARCEL OF LAND** situated in the Town of Lancaster, County of Erie and State of New York, being part of Lot 6, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the easterly line of Pavement Road twenty-three and five hundredths (23.05) feet northerly from its intersection with the northerly line of lands owned by the Consolidated Rail Corp;

**RUNNING THENCE EASTERLY** parallel with the northerly line of lands owned by Consolidated Rail Corp. Two hundred thirty-seven and forty-nine hundredths (237.49) feet;

**THENCE** northerly parallel with the easterly line of Pavement Road two hundred eighty and thirty-eight hundredths (280.38) feet;

**THENCE** westerly at right angles to the easterly line of Pavement Road two hundred seventy (270) feet to a point in the center line of Pavement Road;

**THENCE** southerly along the center line of Pavement Road two hundred sixty-three (263) feet;

**THENCE** easterly thirty-three and seven hundredths (33.07) feet to the point or place of beginning.

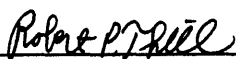
October 19, 1998

**STATE OF NEW YORK :**  
**COUNTY OF ERIE : ss;**  
**TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, Robert P. Thill, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance Amendment, with the original thereof filed in my office at Lancaster, New York on the 19th day October, 1998, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 20th day of October, 1998.

(S E A L)

  
Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated  
October 14, 1998, has recommended the appointments of **Jennifer Gallo** and **Amy Szprygada**  
to the positions of Tutor with the Youth Bureau of the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Jennifer Gallo, 47 Dubonnet Drive, Depew, New York  
14043, (\$7.00 per hour) and Amy Szprygada, 67 Knollwood Drive, Cheektowaga, New York,  
14227 (\$9.00 per hour) be and are hereby appointed to the positions of Tutor with the Town of  
Lancaster Youth Bureau, effective October 19, 1998, and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the  
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 1999 through December 31, 1999, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 1999 through December 31, 1999, in the sum of \$663,216.00 subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED:**

That submitting a renewal application to the New York State Office of Children and Youth Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: File: RSTATE.YTH (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative-Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 1999 through December 31, 1999, and

**WHEREAS**, the Town Board has authorized such joint program for the period commencing July 1, 1998 and ending June 30, 1999, with the Lancaster Central School District, and

**WHEREAS**, it is in the public interest that the Town of Lancaster see to the continuation of this worthwhile program inasmuch as the other participant in the program, the Lancaster Central School District, has so indicated its intention to continue the program beyond the current fiscal year, and

**WHEREAS**, a proposed budget for the Youth Initiative-Social Work Counselor Program has been submitted for the period January 1, 1999 through December 31, 1999, in the sum of \$33,208.00, subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the renewal application to the New York State Office of Youth and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: Rstate.yth (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 1999 through December 31, 1999, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Bureau Program has been submitted for the period January 1, 1999 through December 31, 1999, in the sum of \$95,238.00, subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 1999 through December 31, 1999, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Service Program has been submitted for the period January 1, 1999 through December 31, 1999, in the sum of \$107,574.00, subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED:**

That submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, Donato Developers, 1025 French Road, Cheektowaga, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Autumn Park Subdivision, Phase II,

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Applications Nos. 487, 488 and 489 of Donato Developers, 1025 French Road, Cheektowaga, New York, for the installation of:

- P.I.P. No. 487 - Installation of 2,320 LF of 8" PVC & 60 LF of 8" DIP  
(Water Line) Waterline, and 5 ea ECWA fire hydrants serving sublots 1-8, 54-77, and 94-117.
- P.I.P. No. 488 - Installation of 4,800 LF of 20" upright curbing and 70,200  
(Pavement & Curb) SF of asphalt pavement (8" of 2" C/R stone, 4" of asphalt base, 2" of asphalt binder, and 1" of asphalt top) serving sublots 1-8, 54-77 and 94-117.
- P.I.P. No. 489 - Installation of 850 LF of 6", 80 LF of 8", 160 LF of 10",  
(Storm Sewer) 1,100 LF of 12" and 450 LF of 18" storm sewer piping; 7 ea storm manholes, 10 ea. road receivers; 3 ea backyard receivers; and 11 ea lawn drains serving sublots 1-8, 54-77, and 94-117.

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: RPIP (P8)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, KEITH ANDERSON**, 6075 Main Street, Williamsville, New York 14221, has submitted a Site Plan, for the construction of a 3,730 s.f. restaurant (Anderson's) on property located on the east side of Transit Road on the north side of Michael Anthony Lane in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed this project and by letter dated October 14, 1998, has recommended approval, and

**WHEREAS**, this project has been reviewed for SEQR purposes and it has been determined to be a "Type II" Action and as such, no further SEQR review is necessary;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Keith Anderson and prepared by Apex Consulting Survey and Engineering Services, P.C., and dated September 15, 1998, for the construction of a 3,730 s.f. restaurant (Anderson's), on property located on the east side of Transit Road, north side of Michael Anthony Drive, in the Town of Lancaster, subject to the following conditions:

- Sidewalks to be included along Michael Anthony Drive to rear of property line.
- Street Number to be placed on the building.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: rnsite1.098

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

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**WHEREAS**, Western New York B.I.C.S., has submitted a Site Plan, for the construction of a 48,100± s.f. beverage collection and sorting facility on property located on the north side of Walden Avenue, east of Pavement Road, and locally known as 4284 Walden Avenue, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed this project and by letter dated October 14, 1998, has recommended approval, and

**WHEREAS**, a SEQR Review was held on this project on October 19, 1998 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Western New York B.I.C.S., submitted by Western New York B.I.C.S. and prepared by Pratt & Huth Associates, and dated July, 1998, for the construction of a 48,100± s.f. beverage collection and sorting facility, on property located on the north side of Walden Avenue, east of Pavement Road and locally known as 4284 Walden Avenue in the Town of Lancaster, subject to the following conditions:

- Signage for business shall include street number and address.
- Driveways shall show one-way ingress and one-way egress.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

Page 661

**WHEREAS, Josela Enterprises, Inc.** has submitted a Site Plan, for the construction of an apartment complex on property located on the north side of Broadway west of Cemetery Road, in the Town of Lancaster, and

**WHEREAS,** the Planning Board has reviewed this project and by letter dated October 14, 1998, has recommended approval, and

**WHEREAS,** a SEQR Review was held on July 15, 1996, and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted Josela Enterprises and prepared by Pratt & Huth Associates, LLP and dated September, 1998, for the construction of an apartment complex on property located on the north side of Broadway, west of Cemetery Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: rusite4.098

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Robert Alonzo, has submitted a Site Plan, for the construction of a 16,200 s.f. theater building- I-Max Theater Complex (addition to Regal Theater Complex) consisting of three (3) theaters in a single building, on property located on the east side of Transit Road south of Wehrle Drive and locally known as 6707 Transit Road, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed this project and by letter dated September 3, 1998, has recommended approval, and

**WHEREAS**, the Zoning Board of Appeals granted a Variance on September 10, 1998 for building height, and

**WHEREAS**, a SEQR review was held on October 19, 1998 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Robert Alonzo, and prepared by William Schutt & Associates, and dated August 11, 1998, for the construction of a 16,200± s.f. I-Max Theater Complex (addition to Regal Theater Complex) consisting of three (3) theaters in a single building, on property located on the east side of Transit Road, south of Wehrle Drive and locally known as 6707 Transit Road in the Town of Lancaster, subject to the following condition:

- Developer to acknowledge that "Building E" on original site plan and the proposed building site at the northeast corner of the parcel to remain undeveloped and area involved to be paved for use as parking area;
- Placement of signage to inform public of additional parking at rear of theater building; and
- Theater operator (Regal or its successor) to require employees to park at rear of theater building.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: rnsite3.098

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
KWAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts:

Claim No. 4769 to Claim No. 5015 Inclusive

Total amount hereby authorized to be paid: **\$529,643.80**

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAC	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: Rclams

October 19, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

**PREVIOUSLY TABLED:**

Pmt # SW	Applicant Name	Address	Structure
5436	Alco Plastics Inc	35 Ward Rd	Er. Office Bldg

**NEW PERMITS:**

Pmt # SW	Applicant Name	Address	Structure
5448	Dianne Michlinski	9 Candlestick Ct	Er. Shed
5449	Mark A Jurewicz	35 Deerpath Dr	Ex. Sin. Dwlg
5450	Carolynn Gerner	16 Hampton Ct	Er. Fence
5451	Val Walczynski	140 Stony Rd	Er. Shed
5452	Jacqueline Bull	6 Katelyn Ln	Er. Shed
5453	Marrano/Marc Equity	38 Stony Brook Dr	Er. Sin. Dwlg
5454	John McClenathan	216 Enchanted Fst N	Er. Fence/Pool
5455	Mark Ryan	13 Butler Dr	Er. Shed
5456	Transit Rural Cemetery	5169 Genesee St	Er. Fence
5457	Advisions Inc	6012 Broadway	Er. Sign
5458	Robert Myers	45 Country Pl	Er. Fireplace
5459	Sunrise Bldrs Inc	269 Enchanted Fst N	Er. Sin. Dwlg
5460	All Craft Inc	4 Broadmoor Ct	Er. Sin. Dwlg
5461	Phyllis Lange	8 Old Post Rd	Er. Shed
5462	Daniel Martin	17 Riemers Ave	Ex. Sin. Dwlg & Fireplace
5463	Ferry Bldrs	1 Spring Way	Er. Sin. Dwlg
5464	Kevin Kelly	356 Broezel Ave	Er. Shed
5465	Rose Cisneros	8 Hill Valley Dr	Er. Deck
5466	Pauly Construction Inc	5 Jenny Ln	Ex. Sin. Dwlg
5467	Ryan Homes	4 Michael Anthony Ln	Er. Sin. Dwlg
5468	Michael Martin	103 Pavement Rd	Er. Shed
5469	Marrano/Marc Equity	370 Seneca Pl	Er. Sin. Dwlg
5470	Chris Stec	4 Butler Dr	Er. Fence
5471	Thomas E Fowler Jr	11 Nashua Ct	Er. Sin. Dwlg

and,

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File:Rhldg2



Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMNPNIAK , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK , TO WIT:

**WHEREAS**, Krehbiel Associates has submitted a final plat for approval of a subdivision entitled Valley Overlook, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town Board of the Town of Lancaster has considered and reviewed the beforementioned project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the subdivision known as Valley Overlook as prepared by Krehbiel Associates and dated August 21, 1997 and received October 16, 1998.
2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 1998

File: ravlyovr.098

**COMMUNICATIONS:**

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675. Police Chief to Pratt & Huth Associates -  
Notification of approval of street names re: Summerfield Farms Subdivision. DISPOSITION = Received and Filed
676. Police Chief to Pratt & Huth Associates -  
Notification of approval of the name "Brookhaven Apartments" and "Brookhaven Lane".  
DISPOSITION = Received and Filed
677. Town Clerk to Media -  
Notice of SEQR meeting to be held October 19, 1998 to review IMAX Theater and Western New York B.I.C.S site plans and Thurnherr rezoning petition. DISPOSITION = Received and Filed
678. Building Inspector to Town Board -  
Request renewal of lease for 11 West Main Street for one year. DISPOSITION = Received and Filed
679. Planning Board -  
Agenda for meeting to be held October 21, 1998. DISPOSITION = Received and Filed
680. NYS Division of Criminal Justice Services to Supervisor -  
Advisal of Federal funds awarded to Town of Lancaster to support the *Youth Court and Community Sanctions Program*. DISPOSITION = Received and Filed
681. Deputy Commissioner of Real Property Tax to Supervisor -  
Notice of Public Auction to be held on property on Park Place in the Town of Lancaster.  
DISPOSITION = Town Attorney
682. Association of Erie County Governments to Town of Lancaster -  
Meeting notice for October 22, 1998. DISPOSITION = Received and Filed
683. Supervisor to ECDPW -  
Official request to install the recommended school pedestrian warning signs around the new Lancaster elementary school on William Street. DISPOSITION = Public Safety Committee
684. Deputy Commissioner of Real Property to Supervisor -  
Deadline for deliverance of Town Budget to the County. DISPOSITION = Received and Filed
685. Supervisor and Budget Officer to Town Council Members -  
Notification of dates for public hearings for Special District Budget and the Preliminary Budget and dates of adoption with notification to Town Clerk to place on agenda. DISPOSITION = Received and Filed
686. Gary A. Rotella to Supervisor -  
Concerns re: s-curves on Rehm Road. DISPOSITION = Public Safety Committee
687. John N. Maccarone to Supervisor -  
Request to be appointed member of Recreation Commission. DISPOSITION = Parks and Recreation Committee
688. Chairpersons of the Lancaster High School Motorcade Committee to Town Board -  
Requests permission for motorcade to travel through town October 23, 1998. DISPOSITION = Police Chief
689. Crime Prevention Association of WNY, Inc. to Town Board -  
Requests participation in awards program. DISPOSITION = Received and Filed
690. Niagara Lutheran Health System President/CEO to Supervisor -  
Appreciation for assistance given in the opening of the Greenfield Health & Rehabilitation Center. DISPOSITION = Received and Filed
691. Police Chief to Public Safety Committee Chair -  
Request introduction of ordinance relative to placing stop signs at Seitz Avenue and Seneca Place. DISPOSITION = Received and Filed
692. Building Inspector to Town Clerk -  
Request Building Permit No. 5436 be put back on agenda for approval at meeting to be held October 19, 1998. DISPOSITION = Received and Filed

693. Governor Pataki to Supervisor -  
Comments and transmittal of signed bill re: unemployment insurance costs. DISPOSITION = Received and Filed
694. Erie County Assoc. Of Town Superintendents of Highways, Inc. to County Executive -  
Notification of desire to begin negotiations prior to expiration of snow removal contract in spring of 2000. DISPOSITION = Highway Committee, Highway Superintendent
695. Evenson Dodge Inc. to Supervisor -  
Prospectus as independent financial advisor. DISPOSITION = Received and Filed
696. Independent Health to Dir. of Administration and Finance -  
Clarification re: recent exposure in the news media. DISPOSITION = Received and Filed
697. Village of Alden Mayor to Supervisor -  
Expression of appreciation for allowing Alden to review "Cascade System" used for Scott Air Pack refills. DISPOSITION = Received and Filed
698. Attica Correctional Facility to General Crew Chief -  
Expression of appreciation for use of Westwood Park by Attica Correctional Facility Emergency Response Team for physical fitness testing of 70 Man Team. DISPOSITION = Received and Filed
699. Sister Barbara Whelan to Supervisor and Town Board -  
Expressed appreciation for recognition from Town Board as Educator of the Year. DISPOSITION = Received and Filed
700. Supervisor to Legislator Swanick -  
States that the Town of Lancaster is opposed to the removal of the 4% sales tax on clothing. DISPOSITION = Received and Filed
701. Planning Board to Town Board -  
Recommends approval of site plan for Anderson's Restaurant. DISPOSITION = Received and Filed
702. Planning Board to Town Board -  
Recommends approval of site plan for B.I.C.S. DISPOSITION = Received and Filed
703. Planning Board to Town Board -  
Recommends approval of site plan for Brookhaven Apartments. DISPOSITION = Received and Filed
704. Planning Board to Town Board -  
Recommends approval of preliminary plat plan for Summerfield Farms Subdivision. DISPOSITION = Received and Filed
705. Executive Director Youth Bureau to Supervisor and Town Board members -  
Recommends appointment of tutors for tutorial program. DISPOSITION = Received and Filed
706. Adelphia Cable to Supervisor -  
Transmits copy of customer newsletter welcoming City of Buffalo residents to Adelphia Cable. DISPOSITION = Received and Filed
707. James Allein to Supervisor -  
Concerns re: traffic conditions at Genesee Street and Main Street in Bowmansville. DISPOSITION = Public Safety Committee
708. Planning Board to Town Board -  
Minutes of Meeting of October 7, 1998. DISPOSITION = Received and Filed
709. Fox & Company to Director of Administration and Finance -  
Request for authorization to audit Town's December 31, 1998 financial statements. DISPOSITION = Received and Filed
710. Board of Assessment Review to Town Board -  
Transmittal of minutes from Board of Assessment Review of July 7, 1998. DISPOSITION = Received and Filed

711. Robert Alonzo to Town Board -  
Copy of Regal Cinema's Parking Policy in response to condition imposed by the Planning  
Board approval. DISPOSITION = Received and Filed
712. Greater Buffalo-Niagara Regional Transportation Council to Citizens -  
Invitation to attend a Community Workshop re: Long Range Transportation Plan for Erie and  
Niagara Counties. DISPOSITION = Received and Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE ENTIRE TOWN  
BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M.

Signed

Robert P. Thill  
Robert P. Thill, Town Clerk